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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,501	09/03/1999	ROBERT W. BATZ JR.	SEM4492P1072	7023
25096	7590	11/26/2003	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			MUTSCHLER, BRIAN L	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/390,501	BATZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian L. Mutschler	1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3.5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3.5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Terminal Disclaimer***

1. The terminal disclaimer filed on October 14, 2003, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. Nos. 6,461,494; 6,309,524; 5,985,126; 6,274,013; 5,980,706; 6,080,291; and U.S. Pat. App. No. 09/823,948 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Comments***

2. Applicant's cancellation of claims 4 and 7-9 in the amendment filed October 14, 2003, is acknowledged.
3. The rejection of claims 3, 5-7 and 9 under 35 U.S.C. § 103 over Cancelleri et al. (U.S. Pat. No. 4, 192,729) in view of Hsieh et al. (U.S. Pat. No. 5,405,518) has been overcome by Applicant's amendment.
4. The rejection of claims 8 and 9 under 35 U.S.C. § 103 as being unpatentable over Ishida (U.S. Pat. No. 5,447,615). has been overcome by Applicant's cancellation of the claims.
5. The double patenting rejections have been overcome by Applicant's submission of the terminal disclaimer.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Ishida (U.S. Pat. No. 5,447,615).

Regarding claim 3, Ishida teaches a contact assembly for supplying electrical power to a microelectronic workpiece comprising a plurality of contacts **17**, which have a sloping, first section located outside of the perimeter area of the workpiece, a second section projecting inwardly, and a contact face at the end of the second section (figs. 1, 4, 5 and 6A; col. 4, lines 37-63). A sealing system **14** is configured to press against the workpiece and form a seal against the processing surface of the workpiece (figs. 1, 6A and 6B).

It is noted that the claim recites relative terminology in the use of the phrase "generally downward". The contacts **17** of Ishida slope in all portions towards the workpiece. There is no distinction between "upward" and "downward". Since Ishida teaches all of the structural limitations recited in the instant claim, the reference is deemed to be anticipatory.

8. Claims 3, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevens (U.S. Pat. No. 6,251,236).

Regarding claim 3, Stevens teaches a contact assembly for supplying electrical power to a microelectronic workpiece comprising a plurality of contacts **165** have a first section located outside of the perimeter area of the workpiece and projecting downward, a second section that projects inward from the first section, and a contact face **172** at the end of the second portion for contacting the processing surface of the workpiece (figs. 3-6; col. 5, line 9 to col. 7, line 12). A yieldable sealing system comprising gasket **182** is located proximate to the contacts **172** and is configured to press against the surface of the workpiece to form a seal and inhibit the processing fluid from contacting the contact faces of the contacts (figs. 3-6; col. 6, line 35 to col. 7, line 12).

Regarding claims 5 and 6, the seal **182** is formed of an elastomer and the contacts **172** are recessed a few mils within the seal (fig. 6; col. 6, lines 35-50). During processing, the seal **182** is compressed (deformed) when contacted with the workpiece (col. 6, line 65 to col. 7, line 12). (It is noted that claim 6 recites a process limitation, which limits the structure of the device to having a sealing system that is capable of deforming.)

Since Stevens teaches all of the limitations recited in the instant claims, the reference is deemed anticipatory.

9. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by Patton et al. (U.S. Pat. No. 6,156,167).

Regarding claim 3, Patton et al. disclose a contact assembly for supplying electrical power to a microelectronic workpiece comprising a plurality of contacts **72 (72A)**, wherein the contacts have a downward projecting first section located outside of the perimeter of the workpiece, a second inward projecting section, and a contact face located at the end of the second section contacting the processing surface of the workpiece (figs. 3-5; col. 8, lines 33-40). A sealing system comprising compliant seal **58 (58A)** is located proximate the contacts **72 (72A)** and is configured to press against the processing surface of the workpiece (figs. 3 and 4; col. 7, line 51 to col. 8, line 4).

Since Patton et al. teach all of the limitations recited in the instant claims, the reference is deemed to be anticipatory.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 3, 5, and 6 have been considered but are moot in view of the new ground(s) of rejection.

11. The changes to the claims significantly altered the scope and direction of the claims, requiring new grounds of rejection.

12. Regarding Applicant's arguments directed towards Ishida, Applicant contends, "The electrical contacts in Ishida have only flat, horizontal portions outside of the workpiece" (see page 6 of Applicant's response). This argument is not persuasive because Ishida clearly shows in Figures 6A and 6B that the contacts **17** have portions

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located outside the perimeter of the workpiece **U** that project at an angle to the horizontal, portions inside the perimeter that extend inward towards the workpiece, and a contact face that contacts the processing surface of the workpiece. It is noted that each of the portions projects both downward and inward, which is not excluded in the language of claim 3.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Mutschler whose telephone number is (703)

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305-0180. The examiner can normally be reached on Monday-Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (703) 308-3322. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



**NAM NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**

blm  
November 19, 2003